

REMARKS

Declaration

The Examiner objected to the Declaration and Power of Attorney on the basis that a non-initialed and/or non-dated alteration was allegedly present. Applicant advises the Examiner that this change was present at the time of execution. Therefore, Applicant submits that an amended Declaration is not required. Withdrawal of the objection is requested.

Drawings

The drawings were objected to on pages 2 and 3 of the Office Action. In accordance with the Examiner's comments, Applicant has provided a replacement set of drawings. No new matter has been included. Withdrawal of the objection is requested.

Specification

The specification was objected to on page 3 of the Office Action. Applicant has corrected the typographical error on page 6 line 29; "humidifier chamber 6" now reads "humidifier chamber 5". Entry is requested.

Claim Objections

Claims 1-17 and 26-36 were objected to based upon lack of antecedent basis. The antecedent basis has now been provided.

Claims 11-14 were objected to as being improper. The dependencies have been corrected.

Claim 17 has been corrected.

The dependencies of claims 27, 28, 30, 32-36 have been corrected or the claim has been canceled.

Withdrawal of the objection is requested.

Claim Rejections - 35 U.S.C. §112, second paragraph

Claims 1-10, 15-17, 26, 29 and 31 were rejected under 35 U.S.C. §112, second paragraph.

The Examiner has rejected claims 1, 2 and 31 because these claims referred to “other attributes”. Applicant has canceled claim 2 and amended claims 1 and 31 to refer to humidity, temperature and flow rate.

The claims have been amended to replace ‘breathable means’ with ‘filter material’.

Claims 5, 7 and 9 have been canceled.

Entry is requested.

Claim Rejections - 35 U.S.C. §102(b)

Claims 1, 3-10, 15-17 and 29 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by European Patent Application No. 0 567 158 to Murray. Claims 5, 7 and 9 have been canceled. Reconsideration and withdrawal of the rejection is requested.

Amended claim 1 specifies “a filter material such that said sensor is exposed to said flow of gases through said filter material”. Murray does not disclose a system or sensing device wherein the sensor is exposed to the flow of gases through a filter material. The temperature

sensor 34 in Murray is exposed directly to the gases flow and is not exposed to the flow through a filter material, as required by the claims of the present application.

The microporous sheet material 18 in Murray acts as a barrier between a water source and the flow of gases. The porous sheet material is not located between sensor 34 and the flow of gases.

Therefore, Applicant submits that amended claim 1 is not anticipated by or rendered obvious by Murray. Reconsideration and allowance of claim 1 is requested.

Claims 3, 4, 6, 8, 10, 15-17 and 29 are dependent upon claim 1 which Applicant submits is allowable. Reconsideration and allowance of claims 3, 4, 6, 8, 10, 15-17 and 29 is requested.

Claims 1-6, 15-17, 26, 29 and 31 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by United States Patent No. 6,272,933 to Gradon et al. Claim 5 has been canceled. Reconsideration and withdrawal of the rejection is requested.

Amended independent claim 1 specifies "a filter material such that said sensor is exposed to said flow of gases through said filter material"; and amended independent claim 31 specifies "said sensor is exposed to said flow of gases through said cartridge or open tubular section through said filter material". Gradon does not disclose a system or sensing device wherein the sensor is exposed to the flow of gases through a filter material. In Gradon, the temperature sensor 34 is fully encapsulated within the sensor housing 32 (Col. 9, lines 14-18). The plastic housing is not a filter material. Furthermore, the flow rate sensor 35 is not enclosed or encapsulated, and is therefore exposed directly to the flow of gases (Col. 9, lines 33 -38).

Therefore, Applicant submits that amended claims 1 and 31 are not anticipated by or rendered obvious by Gradon. Reconsideration and allowance of claims 1 and 31 is requested.

Claims 1-4, 6, 15-17, 26 and 29 are dependent upon claim 1 which Applicant submits is allowable. Reconsideration and allowance of claims 1-4, 6, 15-17, 26 and 29 is requested.

In view of the above Amendments and Remarks, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

Dated:

May 6, 2008

By:

Raiford A. Blackstone, Jr., Reg. No. 25,156
Linda L. Palomar, Reg. No. 37,903

TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE and MARR, LTD.
105 W. Adams Street, 36th Floor
Chicago, Illinois 60603

923096.WPD